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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/898,600  | 07/03/2001  | Ravi Gauba           | 80398.P448          | 1960             |
| Florin Corie<br>BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP<br>Seventh Floor<br>12400 Wilshire Boulevard<br>Los Angeles, CA 90025-1026 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| PENG, FRED H  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2426  |             |                      |                     |                  |
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| 07/07/2010  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/898,600

**Applicant(s)**

GAUBA ET AL.

**Examiner**

FRED PENG

**Art Unit**

2426

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32 and 34-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32 and 34-38 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered 04/05/2010.
2. The Non-Final Office Action of 01/04/2010 is fully incorporated into this Final Office Action by reference.

### *Status of Claims*

3. Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 are pending in this application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ismail et al (US 2006/0212900).

Regarding Claims 1, 12 and 28, Ismail discloses an apparatus (FIG.1) with corresponding method and computer readable storage medium comprising:

a control module (FIG.1, 100) to generate an interactive list of content files for presentation to a user based on a profile of said user (105, Para 263 lines 1-10), wherein each of said selected content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the corresponding content file; and wherein each of the plurality of play sequences represents a different story line for the broadcasted program and each

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content segment has associated segment information within said content information (Abstract; Para 268-269; each content segment, each scene, representing a different story line for the broadcasted program and has associated segment information such as tagged information);

receiving, at a selection device, a selection input command selecting a-the one of said content files from said interactive list; to retrieve a detailed profile of a user and content information associated with a selected content file, and to select a play sequence of said selected content file based on said detailed profile and said content information; said selected content file comprising a plurality of content segments, each content segment having associated segment information within said content information, and wherein said play sequence comprises content segments linked together through said segment information; and a presentation module to present said play sequence to said user (FIG.42; Abstract; Para 227-230; Para 264; Para 268; Para 269),

wherein said control module modifies said play sequence and associated story line corresponding to the selected content to switch to a different story line of that broadcast program if further selection input is received from said user in response to presenting said play sequence (FIG.44; Para 268; user is able to modify the play sequence by selecting a alternate version of a scene such as less violent version, thus switch to a different story line of that broadcast program).

Regarding Claims 2, 14, 15 and 29, Ismail further discloses the control module receives an explicit input command from the user, the explicit input command requesting a change in the play sequence of the selected content file and further selects a modified play sequence of the selected content file based on the explicit input command and presents the modified play sequence to the user (Para 263 lines 7-12; Para 22; Para 23).

Regarding Claims 4, 18 and 31, Ismail further discloses the selected content file comprises audio/video data (FIG.1, 105; television programs comprising audio/video data).

Regarding Claims 5, 19 and 32, Ismail further discloses the content information associated with the selected content file comprises a description of the selected content file and news related to the selected content file (FIG. 1, 107; Para 67).

Regarding Claims 7, 21 and 34, Ismail further discloses processing the segment information of the each content segment and the profile of the user to match the segment information with the profile, and selects a predetermined number of content segments from the plurality of content segments in a predetermined order to form the play sequence (FIG.44; Para 268 lines 13 - last line).

Regarding Claims 8, 22 and 35, Ismail further discloses the play sequence comprising a predetermined number of content segments of the selected content file in a predetermined order and the modified play sequence further comprises the predetermined number of content segments in a modified order requested by the explicit input command (Para 263 lines 10 - last line; the user can explicitly specify an advertising in the sequence of play).

Regarding Claims 9, 23 and 36, Ismail further discloses the control module selecting advertising material based on the profile of the user and the presentation module further presents the advertising material to the user together with the play sequence of the selected content file (Para 268 lines 13 - last line).

Regarding Claims 10, 26 and 37, Ismail further discloses the explicit input command requests presentation of at least one advertisement to the user (Para 263 lines 10-12).

Regarding Claims 11, 27 and 38, Ismail further discloses selecting the at least one advertisement based on the explicit input command and the presentation module presents the at least one advertisement to the user (Para 263 lines 10-12).

Regarding Claim 13, Ismail further discloses a storage module (FIG.1, 106) to store the detailed profile of the user (Para 68) and a plurality of content files including the selected content file (FIG.1, 105).

Regarding Claim 16, Ismail further discloses retrieving the profile of the user and the plurality of content files from the storage module and selects at least one content file of said plurality of content files based on said profile of said user (Para 263 lines 1-7).

Regarding Claim 24, Ismail further discloses the profile of the user is stored in a profile storage area of the storage module (FIG.1, 116).

Regarding Claim 25, Ismail further discloses the plurality of content files is stored in a content storage area of the storage module (FIG.1, 105).

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 are rejected.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

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/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

July 3, 2010